IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.1008 OF 2002

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

Mr.J.S.Deo i/b Mr.P.K.Dhakephalkar for the Appellant
Mr.G.S.Godbole for the Respondent No.1-A

CORAM: A.S.OKA, J.
DATED: APRIL 5, 2006.

P.C.:

1. Heard Advocate for the Appellant. The Appellant is the legal representative of the original Plaintiff. The Trial Court decreed the suit. In an Appeal preferred by the defendants, decree of the trial court has been set aside by the Appellate Court.

2. The learned Advocate for the Appellant submitted that the provisions of the Bombay Prevention of Hindu Bigamous Marriages Act, 1946 were not applicable to the District Solapur when the alleged marriage between the original Plaintiff and the deceased Sahadev was solemnised.

He, therefore, submitted that the entire basis of the Judgment of the Appellate Court is illegal as the provisions of the said Act of 1946 will not apply to the marriage which has taken place in the year 1954 and therefore the marriage is valid.

3. I find that such factual contention was not raised before the Appellate Court. On the contrary, in paragraph 11 of the Judgment the Appellate court has noted that admittedly Solapur was forming part of the Bombay State.

4. In view of this position, no substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.